

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE VETERANS HOMES BOARD

In the Matter of the Appeal of the
Discharge of George Hoskin from the
Minnesota Veterans Home-Hastings

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDED DECISION

The above-entitled matter came on for hearing before George A. Beck, Administrative Law Judge on November 19, 2003 at 10:00 a.m. at the Minnesota Veterans Home in Hastings, Minnesota.

Julie A. Leppink, Assistant Attorney General, Suite 900, 445 Minnesota Street, St. Paul, MN 55101-2127 appeared representing the Minnesota Veterans Home-Hastings. George Hoskin did not appear at the hearing. He was represented by Robert Walker, Senior Social Worker, Minnesota Veterans Home-Hastings, 1200 East 18th Street, Hastings, MN 55033-3680. The OAH record closed at the conclusion of the hearing.

NOTICE

This report is a recommendation, not a final decision. The Director of the Veterans Homes Board will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Stephen Musser, Executive Director, Veterans Homes Board, 20 W. 12th Street, Suite 122, St. Paul, MN 55155, to learn the procedure for filing exceptions or presenting argument.

If the Board fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. The record closes upon the filing of exceptions to the report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and the Administrative Law Judge of the date on which the record closes.

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

STATEMENT OF ISSUE

Should the discharge of George Hoskin from the Minnesota Veterans Home-Hastings be upheld on the grounds of non-payment of maintenance charges?

Based upon the record in this matter, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. George Hoskin is a veteran who was admitted to the Minnesota Veterans Home in Hastings on August 15, 2002.

2. Mr. Hoskin signed an admission agreement dated August 15, 2002 in which he agreed to provide accurate financial information to the home and to pay a monthly maintenance charge to the home by the last day of each month.^[1] The agreement advised Mr. Hoskin that the home could discharge him for not paying the maintenance charge by the due date.

3. Mr. Hoskin's income consists of a disability pension from the Federal Department of Veterans Affairs. He was granted a monthly entitlement amount of \$796.00 beginning July 1, 2002 and increasing to \$807.00 beginning December 1, 2002.^[2]

4. During an annual financial update in January of 2003, Mr. Hoskin acknowledged that he received \$807.00 per month from the Department of Veterans Affairs.^[3]

5. The Veterans Home billed Mr. Hoskin a charge of \$670.70 per month from August through December of 2002. Thereafter, based upon the increase in his disability pension payment, Mr. Hoskin was billed \$681.15 per month. Mr. Hoskin has never made any payment to the Veterans Home for these maintenance charges. As of November 2003 he had a debt with the Veterans Home of \$10,550.30.^[4] He has never provided any evidence of debts to other entities to the Veterans Home.

6. The Veterans Home issued Mr. Hoskin an Initial Notice Order for Discharge on May 13, 2003 advising him that he would be discharged for a failure to comply with his payment obligations.^[5]

7. Mr. Hoskin requested a reconsideration of this determination and a hearing was held on April 14, 2003 before the Veterans Home Administrator. On April 29, 2003 the Administrator issued an Order for Discharge to Mr. Hoskin.^[6] On May 20, 2003 Mr. Hoskin appealed the discharge and requested a hearing before an Administrative Law Judge.^[7]

8. As of the date of the hearing Mr. Hoskin had obtained an apartment in Minneapolis and was in the process of removing his belongings from the Veterans Home to the apartment.

Based upon these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. Minnesota law^[8] gives the Administrative Law Judge and the Veterans Homes Board Director authority to conduct this proceeding, consider the issues raised, and to make findings, conclusions and recommendations or orders.

2. Mr. Hoskin received proper notice of his proposed discharge and of the time and place of the hearing in this matter.

3. The Veterans Homes Board has complied with all of the legal requirements for conducting this proceeding.

4. Minnesota law requires residents of Veterans Homes to pay reasonable compensation for maintenance in the home.^[9] The statute also provides that residents who do not promptly pay maintenance may be discharged.

5. The Veterans Homes Board rules require Veterans Homes to start proceedings to discharge a resident when an account is delinquent.^[10] The Board's rules also require a Veterans Home to start proceedings to discharge a resident who fails or refuses to comply with payment obligations in his admission agreement.^[11]

6. The Veterans Home has the burden of proving that a resident is delinquent in the payment of maintenance charges.

7. That Mr. Hoskin is delinquent in the maintenance charges on his account in the amount of \$10,550.30 as of November 2003.

Based upon these Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

The Administrative Law Judge hereby recommends:

That the Veterans Homes Board Director AFFIRM the order of the Administrator discharging George Hoskin from the Minnesota Veterans Home at Hastings.

Dated this 20th day of November 2003.

S/ George A. Beck

GEORGE A. BECK
Administrative Law Judge

Reported: Taped
One Tape, No Transcript Prepared.

^[1] Ex. 2.

^[2] Ex. 6.

^[3] Ex. 1.

^[4] Ex. 3.

^[5] Ex. 4.

^[6] Ex. 5.

^[7] Ex. 5.

^[8] Minn. Stat. § § 14.50 and 198.03.

^[9] Minn. Stat. § 198.03.

^[10] Minn. Rule 9050.520, subp. 2.

^[11] Minn. Rule 9050.0200, subp. 3a.